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**AUG 08 2005**

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**DATE:** August 8, 2005

**PTO IDENTIFIER:** Application Number 09/995,287-Conf. #1957  
Patent Number

**Inventor:** J. A. Bly et al.

**MESSAGE TO:** US Patent and Trademark Office

**FAX NUMBER:** (571) 273-8300

**FROM:** RADER, FISHMAN & GRAUER PLLC

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**PAGES (Including Cover Sheet):** 4

**CONTENTS:** Response to Restriction Requirement (with Traverse) (2 pages)  
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PTO/SB/97 (09-04)

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Application No. (if known): 09/995,287

Attorney Docket No.: 65678-0043

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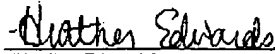
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(Heather Edwards)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
J. A. Bly et al.

Application No.: 09/995,287

Confirmation No.: 1957

Filed: November 26, 2001

Art Unit: 3621

For: SYSTEM AND METHOD FOR TRACKING  
USER CERTIFICATION AND TRAINING

Examiner: C. L. Hewitt

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed July 8, 2005 (Paper No. 20050627), Applicants hereby provisionally elect claims 36-62 for continued examination, with traverse.

The Examiner has required restriction between claim groups I (claims 23-30 and 81-90) allegedly drawn to vehicle access; II (claims 31-35) allegedly drawn to system access control; III (claims 36-62) allegedly drawn to electronic transmission; IV (claims 63-72) allegedly drawn to database management; V (claims 73-80) allegedly drawn to monitoring systems; and VI (claims 91-109) allegedly drawn to condition response systems.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent.

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significant overlap between Groups I-VI, it is respectfully submitted that the Examiner will be required to search art related to the six groups as part of the analysis of the claims of Group III.

Moreover, it is respectfully submitted that the subject matter of all six groups is sufficiently related that a thorough search for the subject matter of one claim group would encompass a search for the subject matter of the other groups. See MPEP § 803, which states that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (Emphasis added). This policy should apply in the present application to avoid unnecessary delay and expense to the Applicants and duplicative examination by the Patent Office.

Accordingly, it is respectfully requested that the restriction requirement be withdrawn, and that each of claims 23-109 presently pending in this application be examined.

Applicants believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65678-0043, from which the undersigned is authorized to draw.

Dated: August 8, 2005

Respectfully submitted,

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